

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-33351- APPLICANT: LAMAR CENTRAL OUTDOOR -
OWNER: VEGAS OUTDOOR ADVERTISING INC**

**** CONDITIONS ****

The Planning Commission (5-0-1/gt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0322-94).
2. This Special Use Permit shall be placed on an agenda closest to February 15, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.
3. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign (Billboard).
4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0322-94) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This application is in response to a Required Review for a 70-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 369 N. 13th Street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/18/95	The City Council approved a request for a Rezoning (Z-0150-94) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property located at southwest corner of Mesquite Avenue and 13 th Street. The Planning Commission recommended approval on 12/22/94.
02/15/95	The City Council approved a request for a Special Use Permit (U-0322-94) for a 14-foot by 48-foot Off-Premise Sign (Billboard) to a height of 30 feet above the adjacent elevated freeway (US-95) at 369 North 13 th Street. The Board of Zoning Adjustment recommended approval on 01/24/95.
04/05/00	The City Council approved a request for a Required Review [(U-0322-94(1))] of an approved Special Use Permit (U-0322-94) for a 14-foot by 48-foot Off-Premise Sign (Billboard) at 369 North 13 th Street. The Planning Commission recommended approval on 02/24/00.
05/21/08	The City Council approved a request for a Site Development Plan Review (SDR-27197) to raise an existing 65.2-foot tall Off-Premise Sign (Billboard) to a height of 75 feet on 0.10 acres at 369 North 13 th Street. The Planning Commission recommended approval on 04/24/08.
04/09/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #47/ds).
<i>Related Building Permits/Business Licenses</i>	
06/26/95	A building permit (95874139) was issued to install a 14-foot by 48-foot Off-Premise Sign (Billboard) located at 369 North 13 th Street. The permit was finalized on 07/27/95.
12/26/95	A building permit (95390141) was issued for a new office building/tenant improvements at 369 North 13 th Street. The permit was finalized 11/12/96.
08/12/08	A building permit (8000288) was issued to raise the existing billboard above the sound wall at 369 North 13 th Street. As of 03/13/09, the sign has not yet been elevated above the sound wall due to budgetary constraints.
A business licenses has not been issued for the subject site.	

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.
<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Field Check</i>	
03/05/09	<p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> • The subject billboard had no embellishments, animated signage, or electronic displays. • The signs appeared in good condition, but there was graffiti on the base portion of the structure. • All structural elements have been properly screened from public view.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.25

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office (vacant)	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Apartments	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	US-95 Freeway	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Single Family Residences	MXU (Mixed Use)	R-3 (Medium Density Residential)
West	US-95 Freeway	ROW (Right-of-Way)	ROW (Right-of-Way)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Las Vegas Redevelopment Plan/Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in a C-1 (Limited Commercial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet in size and does not have an embellishment	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 70 feet tall	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements are properly screened from public view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	Sign is only more than 750 feet from another sign along US-95.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is approximately 65 feet from residential property to the north	N

Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and is not located on property used for residential use.	Y
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* The City Council approved a Special Use Permit (U-0322-94) for a 70-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 369 N. 13th Street.

ANALYSIS

This is the second required review of an approved Special Use Permit (U-0322-94) for a 70-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 369 North 13th Street. A research of the building permit activity revealed that a sign permit #95874139 was issued for the construction of the sign, which received a final inspection on 07/27/95 under the address of 369 North 13th Street. Additionally, a second sign permit #8000288 was issued to raise the sign above the elevated sound wall along US-95, but due to budgetary constraints, the applicant has not yet raised the billboard sign.

The Off-Premise Sign is located approximately 65 feet from residentially zoned property to the north, 125 feet to the east, and 234 feet to the northwest, where Title 19.14.100 requires a minimum of 300 feet. Though the sign does not meet current Title 19.14.100 requirements pertaining to the distance separation from residentially zoned property, these requirements were not adopted until 04/19/95 by Ordinance 3884, therefore, the sign is legally non-conforming.

FINDINGS

The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. Though the existing Off-Premise Sign does not meet the current separation requirements for the use, it met separation requirements in early 1995 when the application was approved by City Council. Staff finds that there is no adverse impact regarding the continued use of the sign, as there have been no significant changes in development or land use in the surrounding area since the initial approval and installation of the sign; therefore, staff recommends approval, subject to a three-year review.

PLANNING COMMISSION ACTION

There were two speakers on this application at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 193 by City Clerk

APPROVALS 0

PROTESTS 4